

Entered -07-16-02 - sb
CL 02L0489 - GWENDOLYN BURNS

02-R-1759

CLAIM OF: WILLIAM D. TEMPLE AND
LARYSSA M. TEMPLE
through their attorneys
TEMPLE, STRICKLAND, DINGES &
SCHWARTZ
3576 Covington Highway
Suite 100
Decatur, Georgia 30032-1892

ADVERSED BY
CITY COUNCIL
OCT 21 2002

For property damage sustained as a result of a sewer excavation
project in June 2001 at 4000 Whitewater Creek Road.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

RECEIVED
OCT 21 2002
CITY OF DECATUR
LEGAL ADMINISTRATION

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 10/15/02

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

October 23, 2002

Temple, Strocl;amd. Dinges & Schwartz
Attorneys at Law
3576 Covington Highway
Suite 100
Decatur, Georgia 30032-1892

02-R-1759

RE: William D. Temple and Laryssa
M.Temple

Dear Attorney Temple, Sr:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 21, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0489

Date: October 1, 2002

Claimant /Victim WILLIAM D. TEMPLE AND LARYSSA M. TEMPLE
BY: (Atty) (Ins. Co.) TEMPLE, STRICKLAND, DINGES & SCHWARTZ
Address: 3576 Covington Highway, Decatur, Georgia 30032
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$
Date of Notice: 7/12/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/01 Place: 4000 Whitewater Creek Road
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that their property sustained extensive damage as a result of a sewer excavation project. However, the claimants have filed a lawsuit to resolve the issues of their claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 10-02-02
Committee Action: Council Action

10/21/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

- | | |
|---------------|---------------|
| 1. 02-O-1368 | 45. 02-R-1766 |
| 2. 02-O-1710 | 46. 02-R-1767 |
| 3. 02-O-1674 | 47. 02-R-1768 |
| 4. 02-O-1645 | |
| 5. 02-O-1646 | |
| 6. 02-O-1647 | |
| 7. 02-O-1648 | |
| 8. 02-O-1672 | |
| 9. 02-O-1726 | |
| 10. 02-O-1728 | |
| 11. 02-O-1776 | |
| 12. 02-O-1779 | |
| 13. 02-O-1781 | |
| 14. 02-O-1783 | |
| 15. 02-O-1790 | |
| 16. 02-O-1791 | |
| 17. 02-O-1661 | |
| 18. 02-O-1793 | |
| 19. 02-O-1584 | |
| 20. 02-O-1636 | |
| 21. 02-O-1733 | |
| 22. 02-R-1176 | |
| 23. 02-R-1736 | |
| 24. 02-R-1737 | |
| 25. 02-R-1745 | |
| 26. 02-R-1769 | |
| 27. 02-R-1716 | |
| 28. 02-R-1740 | |
| 29. 02-R-1735 | |
| 30. 02-R-1797 | |
| 31. 02-R-1800 | |
| 32. 02-R-1663 | |
| 33. 02-R-1780 | |
| 34. 02-R-1802 | |
| 35. 02-R-1588 | |
| 36. 02-R-1773 | |
| 37. 02-R-1787 | |
| 38. 02-R-1799 | |
| 39. 02-R-1760 | |
| 40. 02-R-1761 | |
| 41. 02-R-1762 | |
| 42. 02-R-1763 | |
| 43. 02-R-1764 | |
| 44. 02-R-1765 | |

**ITEMS ADVERSED
ON CONSENT AGENDA**

- | |
|---------------|
| 48. 02-R-1746 |
| 49. 02-R-1747 |
| 50. 02-R-1748 |
| 51. 02-R-1749 |
| 52. 02-R-1750 |
| 53. 02-R-1751 |
| 54. 02-R-1752 |
| 55. 02-R-1753 |
| 56. 02-R-1754 |
| 57. 02-R-1755 |
| 58. 02-R-1756 |
| 59. 02-R-1757 |
| 60. 02-R-1758 |
| 61. 02-R-1759 |
| 62. 02-R-1366 |

Consent I Vote: 12 Yeas; 0 Nays (See RCS #4102)
Items Removed from Consent: 02-O-1643; 02-O-1795; 02-R-1803; 02-R-1729